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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE (CRT) ANTITRUST) Case No. 07-5944 SC
LITIGATION)
MDL No. 1917

This Document Relates to:

DIRECT PURCHASER ACTIONS

**DECLARATION OF EVA W. COLE IN
SUPPORT OF DIRECT PURCHASER
PLAINTIFFS' ADMINISTRATIVE
MOTION TO SEAL DOCUMENTS
PURSUANT TO CIVIL LOCAL RULES
7-11 AND 79-5(d)**

[re Panasonic Documents]

1 I, Eva W. Cole, declare as follows:

2 1. I am an attorney with Winston & Strawn LLP, attorneys for Defendants
3 Panasonic Corporation of North America, MT Picture Display Co., Ltd., and Panasonic Corporation
4 (f/k/a Matsushita Electric Industrial Co., Ltd.) (collectively, the “Panasonic Defendants”) in these
5 actions. I am a member of the bar of the State of New York and I am admitted to practice before this
6 Court *pro hac vice*. I make this declaration pursuant to Civil Local Rule 79-5(d) to establish that
7 certain documents containing Confidential or Highly Confidential information and submitted to the
8 Court in connection with Direct Purchaser Plaintiffs’ Motion for Class Certification and the
9 memorandum in support thereof (“Class Certification Motion”) are sealable. Except for those
10 matters stated on information and belief, about which I am informed and which I believe to be true, I
11 have personal knowledge of the facts stated herein and, if called as a witness, I could and would
12 competently testify thereto.

13 2. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this
14 matter (Dkt. 306). On May 14, 2013, Direct Purchaser Plaintiffs filed an Administrative Motion to
15 Seal (Dkt. 1673), and lodged conditionally under seal the following documents, or portions thereof,
16 pursuant to Civil Local Rules 7-11 and 79-5(d):

17 a. Portions of the Memorandum in Support of Direct Purchaser Plaintiffs’
18 Motion for Class Certification that contain quotations or information from
19 documents that Defendants have designated “Confidential” or “Highly
20 Confidential”;

21 b. Portions of the Declaration of R. Alexander Saveri in Support of Direct
22 Purchaser Plaintiffs’ Motion for Class Certification that contain quotations or
23 information from documents that Defendants have designated “Confidential”
24 or “Highly Confidential”;

25 c. Exhibits 1, 17–62, 64–80, 83, 85–104, and 106–136 to the Declaration of R.
26 Alexander Saveri in Support of Direct Purchaser Plaintiffs’ Motion for Class

1 Certification that contain quotations or information from documents that
2 Defendants have designated “Confidential” or “Highly Confidential”; and

3 d. Portions of the Expert Report of Jeffrey J. Leitzinger, Ph.D.

4 3. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the
5 Panasonic Defendants to provide the basis for the Court to maintain under seal, pursuant to the
6 Stipulated Protective Order, certain documents and information designated by the Panasonic
7 Defendants as “Confidential” or “Highly Confidential” and attached to the Saveri Declaration, and
8 all references to any such documents and information in the Class Certification Motion, the Saveri
9 Declaration, and the Leitzinger Report and its exhibits.

10 4. Upon information and belief, the documents and information referred to in
11 and/or attached to the Leitzinger Report and its exhibits consist of, cite to, and/or identify
12 confidential, nonpublic, proprietary and highly sensitive business information. The documents
13 contain, cite, and/or identify confidential information about the Panasonic Defendants’ sales
14 processes, business practices, internal practices, negotiating tactics, confidential business and supply
15 agreements and competitive positions. The documents and information describe relationships with
16 companies that remain important to the Panasonic Defendants’ competitive position. I am informed
17 and believe that this is sensitive information and public disclosure of this information presents a risk
18 of undermining the Panasonic Defendants’ business relationships, would cause it harm with respect
19 to its competitors and customers, and would put the Panasonic Defendants at a competitive
20 disadvantage.

21 5. Attached as Exhibit 98 to the Saveri Declaration is a document produced by
22 the Panasonic Defendants bearing Bates numbers MTPD-0423675–77, and a purported certified
23 translation of that document bearing Bates numbers MTPD-0423675E–77E.

24 6. Upon information and belief, the document appearing in Exhibit 98 of the
25 Saveri Declaration consists of, cites to, and/or identifies confidential, nonpublic, proprietary and
26 highly sensitive business information. The document contains, cites, and/or identifies confidential

1 information about the Panasonic Defendants' sales processes, business practices, internal practices,
2 negotiating tactics, confidential business and supply agreements and competitive positions. This
3 document describes relationships with companies that remain important to the Panasonic
4 Defendants' competitive position. I am informed and believe that this is sensitive information and
5 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
6 business relationships, would cause it harm with respect to its competitors and customers, and would
7 put the Panasonic Defendants at a competitive disadvantage.

8 7. Attached as Exhibit 121 to the Saveri Declaration is a document produced by
9 the Panasonic Defendants bearing Bates number MTPD-0580726, and a purported certified
10 translation of that document bearing Bates number MTPD-0580726E.

11 8. Upon information and belief, the document appearing in Exhibit 121 of the
12 Saveri Declaration consists of, cites to, and/or identifies confidential, nonpublic, proprietary and
13 highly sensitive business information. The document contains, cites, and/or identifies confidential
14 information about the Panasonic Defendants' sales processes, business practices, internal practices,
15 negotiating tactics, confidential business and supply agreements and competitive positions. This
16 document describes relationships with companies that remain important to the Panasonic
17 Defendants' competitive position. I am informed and believe that this is sensitive information and
18 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
19 business relationships, would cause it harm with respect to its competitors and customers, and would
20 put the Panasonic Defendants at a competitive disadvantage.

21 9. Attached as Exhibit 133 to the Saveri Declaration is a document produced by
22 the Panasonic Defendants bearing Bates numbers MTPD-0038856-59, and a purported certified
23 translation of that document bearing Bates numbers MTPD-0038856E-59E.

24 10. Upon information and belief, the document appearing in Exhibit 133 of the
25 Saveri Declaration consists of, cites to, and/or identifies confidential, nonpublic, proprietary and
26 highly sensitive business information. The document contains, cites, and/or identifies confidential

1 information about the Panasonic Defendants' sales processes, business practices, internal practices,
2 negotiating tactics, confidential business and supply agreements and competitive positions. This
3 document describes relationships with companies that remain important to the Panasonic
4 Defendants' competitive position. I am informed and believe that this is sensitive information and
5 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
6 business relationships, would cause it harm with respect to its competitors and customers, and would
7 put the Panasonic Defendants at a competitive disadvantage.

8 11. Attached as Exhibit 134 to the Saveri Declaration is a document produced by
9 the Panasonic Defendants bearing Bates numbers MTPD-0497049-50, and a purported certified
10 translation of that document bearing Bates numbers MTPD-0497049E-50E.

11 12. Upon information and belief, the document appearing in Exhibit 134 of the
12 Saveri Declaration consists of, cites to, and/or identifies confidential, nonpublic, proprietary and
13 highly sensitive business information. The document contains, cites, and/or identifies confidential
14 information about the Panasonic Defendants' sales processes, business practices, internal practices,
15 negotiating tactics, confidential business and supply agreements and competitive positions. This
16 document describes relationships with companies that remain important to the Panasonic
17 Defendants' competitive position. I am informed and believe that this is sensitive information and
18 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
19 business relationships, would cause it harm with respect to its competitors and customers, and would
20 put the Panasonic Defendants at a competitive disadvantage.

21 13. Attached as Exhibit 135 to the Saveri Declaration is a document produced by
22 the Panasonic Defendants bearing Bates numbers MTPD-0492286-89, and a purported certified
23 translation of that document bearing Bates numbers MTPD-0492286E-89E.

24 14. Upon information and belief, the document appearing in Exhibit 135 of the
25 Saveri Declaration consists of, cites to, and/or identifies confidential, nonpublic, proprietary and
26 highly sensitive business information. The document contains, cites, and/or identifies confidential

1 information about the Panasonic Defendants' sales processes, business practices, internal practices,
 2 negotiating tactics, confidential business and supply agreements and competitive positions. This
 3 document describes relationships with companies that remain important to the Panasonic
 4 Defendants' competitive position. I am informed and believe that this is sensitive information and
 5 public disclosure of this information presents a risk of undermining the Panasonic Defendants'
 6 business relationships, would cause it harm with respect to its competitors and customers, and would
 7 put the Panasonic Defendants at a competitive disadvantage.

8 15. The Class Certification Motion, the Saveri Declaration, and the Leitzinger
 9 Report and its exhibits quote from or describe documents or information designated as
 10 "Confidential" or "Highly Confidential" by the Panasonic Defendants pursuant to the Stipulated
 11 Protective Order, including but not limited to Saveri Declaration Exhibits 98, 121, 133, 134, and
 12 135. As with the exhibits themselves, I understand that the Panasonic Defendants consider any
 13 statements in the Class Certification Motion, the Saveri Declaration, and the Leitzinger Report and
 14 its exhibits purporting to describe or summarize the exhibits or any other documents or information
 15 designated "Confidential" or "Highly Confidential" by the Panasonic Defendants confidential and
 16 proprietary. I am informed and believe that the Panasonic Defendants have taken reasonable steps to
 17 preserve the confidentiality of information of the type contained, identified, or cited to in Saveri
 18 Declaration Exhibits 98, 121, 133, 134, and 135, and referenced in the Class Certification Motion,
 19 the Saveri Declaration, and the Leitzinger Report and its exhibits.

20 I declare under penalty of perjury under the laws of the United States of America that the
 21 foregoing is true and correct.

22 DATED: May 21, 2013

By: /s/ Eva W. Cole

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